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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,613	08/07/2003	Peter A. Krauss	010408.52554US	9614

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EXAMINER	
ABBASZADEH, JAWEED A	

ART UNIT	PAPER NUMBER
2115	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/635,613	KRAUSS, PETER A.	
	Examiner	Art Unit	
	JAWEED A. ABBASZADEH	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-23 and 27-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-16, 21-23 and 27-30* is/are rejected.

7)☒ Claim(s) *17-20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 12-23, 27-30 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-16, 21-23, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schieve et al. (hereinafter 'Schieve') US 5,530,847.

As to claim 12, Schieve teaches a method for operating a data processing device while using compressed data comprising:

loading a non-compressed boot program from a memory into a first volatile working memory;

executing said boot program [col. 3, lines 17-18 and col. 5, lines 45-46];

copying, initiated by said boot program, of a compressed application program from the memory into a second volatile working memory with simultaneous decompression of said application program [col. 3, lines 18-21, col. 5, lines 58-62, and col. 6, lines 18-21], and

starting and application program through said boot program [col. 3, lines 24-25]. Schieve does not specifically teach a first and second memory.

Schieve stores the boot loading routine and compressed diagnostic routines in a non-volatile memory [col. 5, lines 45-47]. Schieve does not explicitly use two different data areas to store the boot loading routine and the compressed diagnostic routine respectively. However, Schieve stresses that the compressed diagnostic routines should be stored in a reprogrammable ROM to allow future updating of the diagnostic code[1]. Furthermore, Schieve implicitly recognizes that the boot loading routine is not subject to future update. It is not necessary to use a more expensive reprogrammable nonvolatile memory to store the static boot loading routine. In summary, Schieve suggests that the type of non-volatile memory used to store a program is predicated on the future changeability of the program thereby reducing the cost of using an expensive reprogrammable non-volatile memory to store all the programs. As such, it would have been obvious to one of ordinary skill in the art to store the non-changeable boot loading routine in a regular non-volatile memory (the claimed first data memory) and the compressed application which is changeable in a reprogrammable non-volatile memory (the claimed second data memory).

As to claim 13, Schieve teaches said loading of said boot program is controlled by a start process control device, which is separate from a processor device of said

[1] "The present invention allows for periodic changes in the diagnostic code. Thus, the non volatile memory is preferably electrically erasable programmable read only memory ("EEPROM," also termed "flash" memory). Although those skilled in the art should realize that non programmable ROM is suited to contain the boot loading routine and the compressed diagnostic routines, some form of reprogrammable ROM allows updating of the diagnostic code as improvements are made therein. Thus, programmable ROM ("PROM") ....is within the scope of the invention as a host for the diagnostic code." , (emphasis added by the examiner), col. 3, line 60 – col. 4, line 8.

data processing device from a structural and/or functional point of view [Fig. 2, 220, 230].

As to claim 21, Schieve teaches the method as cited in claim 12 supra. As such, Schieve teaches the system to implement the method.

As to claim 23, Schieve teaches the method as cited in claim 12 supra. As such, Schieve teaches the apparatus to implement the method.

Allowable Subject Matter

Claims 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claim 12-23, 27-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAWEED A. ABBASZADEH whose telephone number is (571)270-1640. The examiner can normally be reached on Mon-Fri: 7:30 a.m.-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaweed A Abbaszadeh/
Examiner, Art Unit 2115
7/2/2008

/Thomas Lee/
Supervisory Patent Examiner, Art Unit 2115